

### **REMARKS/ARGUMENTS**

The preceding amendments and following remarks are submitted in response to the non-final Office Action mailed January 17, 2006, setting a three-month shortened statutory period for reply ending April 17, 2006. With this Amendment, claims 29-30 have been amended, claims 38-39 have been cancelled, and claims 43-44 have been added. Claims 1-24, 29-31, 34-37, and 43-44 remain pending in this Application. Reconsideration, examination and allowance of all pending claims are respectfully requested.

#### **Drawing Objections**

In paragraph 2 of the Office Action, the Examiner objected to the drawings under 37 CFR § 1.83(a) stating that the drawings must show every feature of the invention specified in the claims. In particular, the Examiner states that the display stand configuration enabling the stand to be in a fully horizontal or fully vertical position recited in claims 38 and 39 must be shown or the features cancelled from the claims.

With this Amendment, Applicant has cancelled claims 38 and 39 and has added newly presented independent claims 43 and 44, which are similar to independent claim 30 but recite that the mineral slab is oriented in a fully horizontal position (claim 43) or a fully vertical position (claim 44).

Applicant submits that newly presented claims 43 and 44 fully comply with the drawing requirements, and should not be objected to under 37 CFR § 1.83(a). The determination of whether drawings are required to support the subject matter sought to be patented is governed by 35 U.S.C. § 113, first sentence, which provides that “[t]he applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented.” Applicant asserts that drawings specifically showing each of these two configurations are not necessary for

an understanding of the cremation urn recited in claims 43 and 44 since the Specification clearly defines the terms “fully horizontal” and “fully vertical” in such terms as would be easily understood by one skilled in the art. Page 8, lines 17-24 of the Application, for example, provides:

The support legs 18 located at the front portion 62 of the display stand 16 may be made larger than the support legs 18 located at the rear portion 64 of the display stand 16 to orient the mineral slab 14 at an angle for improved viewability. *The support legs 18 may be configured to orient the mineral slab 14 at any viewing angle ranging from 0° (i.e. a fully horizontal position) to an angle of 90° (i.e. a fully vertical position).* In use, the support legs 18 stabilize the urn assembly 12 and mineral slab 14, and provide a floating appearance when viewed from above.

(emphasis added) Thus, as can be seen above, the terms “fully horizontal” and “fully vertical” are clearly described in the Specification as corresponding to angles of 0° and 90°, respectively. Based on this disclosure and the originally filed drawings, one of skill in the art would fully understand how to make and use the claimed invention recited in claims 43 and 44. Accordingly, Applicant submits that newly presented claims 43 and 44 fully comply with the drawing requirements under 37 CFR § 1.83(a).

### **35 U.S.C. § 112 ¶ 2 Rejections**

In paragraph 3 of the Office Action, the Examiner rejected claim 38 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As discussed above, claim 38 has been cancelled, rendering the Examiner’s rejection of this claim under 35 U.S.C. § 112, ¶ 2 moot.

### 35 U.S.C. § 102 (e) Rejections

In paragraph 6 of the Office Action, the Examiner rejected claims 29-31 and 38-39 under 35 U.S.C. § 102(e) as being anticipated by *Robinson* (U.S. Patent No. 6,520,606).

With this Amendment, independent claims 29 and 30 have been amended to now recite that the top surface of the container body is *contiguous with* the mineral slab. For example, claim 29, as amended, now recites in full:

29. A system for displaying a cremation urn, comprising:  
a mineral slab having an upper surface and a bottom surface;  
a cremation urn assembly secured to and extending at least in part below the bottom surface of the mineral slab, the cremation urn assembly comprising a container body ***having a top surface contiguous with the mineral slab***, a neck portion, and a lid coupled to a container body; and  
a display stand configured to support the urn assembly and mineral slab in an upright and angled position.

Independent claim 30 has been similarly amended to now recite that the container body has a top surface contiguous with the mineral slab. Antecedent support for these claim amendments can be found, for example, in Figure 2.

Applicant respectfully submits that amended claims 29 and 30 are not anticipated by the *Robinson* reference. In *Robinson*, the top surface (122) of the container body (120) is not *contiguous with* the display top (190), but is instead spaced apart from the top (190) via a coupler (150). As can be seen in Figure 4, for example, the top surface (122) of the container body (120) is adapted to mate with a coupler (150) which, when assembled, spaces the top portion (122) of the container body (120) apart from (*i.e.* non-contiguous with) the display top (190). In an alternative urn system (10) depicted in Figures 1-2, the plate member (82) appears to fit within a recessed portion (66) of an upper urn (50). In such configuration, the top surface (63) of the upper urn (50) is likewise not contiguous with the plate (82).

Since the *Robinson* reference does not disclose or suggest a container body having a top surface contiguous with a mineral slab, Applicant respectfully submits that amended claims 29 and 30 are not anticipated. In addition, because claim 30 is allowable, dependent claims 31 and 34-37 are also allowable for at least the reasons provided above, and since they contain other significant elements.

In paragraph 13 of the Office Action, the Examiner rejected claim 29 under 35 U.S.C. § 103(a) as being unpatentable over *Crook* (U.S. Patent No. 5,647,108) in view of *Jackson* (U.S. Patent No. 5,379,499).

Applicant respectfully submits that amended claim 29 is not obvious over *Crook* in view of *Jackson*. The *Crook* reference appears to suggest a receptacle (10) having a compartment (12) attached to an end stake (16) that can be at least partially embedded underground. In a first embodiment depicted in Figure 1, the top surface of the compartment (12) is connected to an intermediate member (22), which acts as a lid integral with a plaque (20). See *Crook* at col. 3, lines 54-57. In use, the cremated remains are deposited in the compartment (12) through an aperture (18), which can then be subsequently sealed off by the intermediate member (22) and plaque (20) via a number of screws (26).

In a second embodiment depicted in Figure 3 in which the intermediate member (22) is removed, the top end (19) of the compartment (12) is connected directly to the plaque (20). See *Crook* at col. 4, lines 11-14. In such configuration, the plaque (20) itself acts as a lid for sealing the aperture (18), not the intermediate member (22).

In contrast, amended claim 29 recites, among other novel elements, a container body having a top surface contiguous with a mineral slab, and a lid coupled to the container body. With respect to the first embodiment in *Crook*, the presence of the intermediate member (22)

between the compartment (12) and plaque (20) spaces the top surface of the compartment (12) apart from the plaque (20). Thus, since the top surface of the compartment (12) does not contact the plaque (20) in this embodiment, Applicant submits that *Crook* does not disclose a container body having a top surface that is contiguous with the mineral slab, as recited in claim 29.

With respect to the second embodiment in *Crook* in which the intermediate member (22) is removed, Applicant submits that the reference fails to disclose both a “mineral slab” and a “lid”, as recited in claim 29. In the illustrative embodiment of Figure 3, the plaque (20) serves the dual purpose of sealing the aperture (18) in addition to providing an aesthetically pleasing façade to the receptacle (10). If the plaque (20) described in *Crook* is interpreted as “a slab”, as suggested by the Examiner, then *Crook* would not appear to suggest a “lid” separate from the slab. Since each limitation within a claim must be accorded patentable weight, and since the second embodiment described in *Crook* does not suggest a slab separate from the lid, Applicant respectfully submits that the second embodiment of *Crook* does not disclose or suggest each and every element of claim 29. Accordingly, Applicant submits that claim 29 is not obvious under 35 U.S.C. § 103(a).

In paragraph 16 of the Office Action, the Examiner rejected claims 30-31 and 34-37 as being unpatentable over *Crook* (U.S. Patent No. 5,647,108) in view of *Jackson* (U.S. Patent No. 5,379,499), and in further view of *Robinson* (U.S. Patent No. 6,520,606).

For at least the reasons provided above, Applicant asserts that claims 30-31 and 34-37 are not rendered obvious over *Cook* in view of the *Jackson* and *Robinson* references. As discussed above, the *Crook* reference fails to disclose or suggest a container body having a top surface contiguous with the mineral slab, and a lid coupled to the container body, as recited in independent claim 30. The *Jackson* and *Robinson* references likewise fail to disclose or suggest

these elements. As such, Applicant submits that the cited references do not disclose or suggest each and every element necessary to support an obviousness rejection of claims 30-31 and 34-37.

With this Amendment, newly presented claims 43 and 44 have been added, which Applicant submits are patentable over the cited prior art references. In particular, independent claims 43 and 44 each recite, among other novel elements, a container body having a top surface contiguous with a mineral slab and extending at least in part below the bottom surface of the mineral slab, which as discussed above, is different from that taught by the cited references. Accordingly, Applicant asserts that claims 43 and 44 are also in condition for allowance.

**Allowable Subject Matter**

In paragraph 25 of the Office Action, the Examiner indicates that claims 1-24 are allowed.

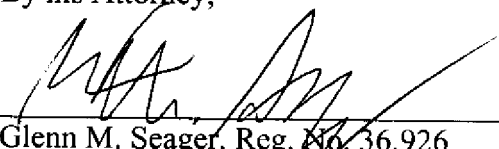
In view of the foregoing, Applicant respectfully asserts that all pending claims are in condition for allowance. Reexamination and reconsideration are respectfully requested. If the Examiner would like to discuss the Application or its examination, please call the undersigned at (612) 677-9050.

Respectfully submitted,

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By his Attorney,

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